THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14334 of 2006

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not paying Savings Bank amounts of the petitioner despite the representations of the petitioner that he is ready and willing to give up the interest claimed on the said principal amount, as arbitrary and illegal.

It appears, the petitioner has Savings Bank Account No.12822 in the first respondent Bank at its Purani Haveli branch with an amount of Rs.9,33,205/- in the said account. In view of certain incidents, the petitioner was not allowed to withdraw the said amounts. According to the first respondent, in view of reconstruction scheme pending and also in view of the direction of the Reserve Bank of India, amounts, which are lying in the Savings Bank Account of the petitioner were not allowed to be withdrawn. However, the petitioner made a representation to the first respondent explaining his difficulties. The first respondent by proceedings dated 11.3.2006 recommended the case of the petitioner to the Deputy General Manager, (Urban Banks Department), Reserve Bank of India, Mumbai on 11.3.2006 for permitting the petitioner to withdraw the amounts lying to the credit of the account. The said recommendation of the first respondent is lying with the second respondent and the second respondent has not taken any decision as of now.

The learned counsel Mr.M.P.Ugle appearing for second respondent submitted that considering the recommendation of the first respondent is not automatic. It is for the second respondent to examine the merits and demerits and if the recommendation is in tune with the guidelines laid down by the Reserve Bank of India, probably the second respondent may consider the case of the petitioner.

In view of the above, without expressing any opinion on merits, the second respondent- Deputy General Manager (Urban Banks Department), Reserve Bank of India, Mumbai is directed to consider the recommendation made by the first respondent on 11.3.2006 in File No.CCUB/RBI/2005 and dispose of the same if the same is in tune with the guidelines evolved by the Reserve Bank of India in this regard and communicate the decision to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 13.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14334 of 2006

13.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14334 of 2006

Date: 13th November, 2006

Between:

Amir Azhar F.Shirazi

.. Petitioner

And

M/s Charminar Cooperative Urban Bank Ltd.,
represented by its Managing Director,
Khairtabad, Hyderabad & another.

.. Respondents